

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

Joe Hand Promotions, Inc.,

Plaintiff,

-vs-

The Precint Bar - DAXLAM, Ltd., d/b/a
The Precint Bar, and Bey Rutherford,

Defendants.

3:10-cv-00199-CMC

**DECLARATION OF JUSTIN PETERSON
IN SUPPORT OF PLAINTIFF'S
OPPOSITION TO DEFENDANT'S
MOTION TO DISMISS OR
ALTERNATIVE MOTION TO
SET ASIDE DEFAULT**

I, JUSTIN PETERSON, do hereby affirm:

1. I am a part-time process server, and I work on an irregular basis as an independent contractor for Berry, Quackenbush & Stuart, P.A., the attorneys for the Plaintiff.

2. I have personal knowledge of each and every fact stated herein and could competently testify thereto if called as a witness.

3. On February 9, 2010, I went to a restaurant known as Pop's N.Y. Pizza, at 707 Harden Street, Columbia, South Carolina, to serve the Defendants with the Plaintiff's suit papers. The Defendant, Bey Rutherford, who was present, refused to allow me to approach him. I asked a worker, who gave his name as Michael Johnson, a black male of 45-50 years old, to deliver the suit papers (two copies, one for the business and one for the individual), and I watched from a table inside the restaurant as he handed the papers to Mr. Rutherford. I witnessed the receipt by Mr. Rutherford of the suit papers.

4. I subsequently had occasion to serve Mr. Rutherford with suit papers in a completely different suit. This time he received the suit papers directly from me. I offer this information to support that I am aware of who Mr. Rutherford is and that I know he was the person who received

the suit papers in connection with this case.

I declare under penalty of perjury pursuant to the laws of the State of South Carolina that the foregoing is true and correct.

Executed at Columbia, South Carolina
this 27th day of April, 2010.



Justin Peterson